

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

LEMONT HOPKINS,

Plaintiff

Case No. 08-12114

Honorable David M. Lawson

v.

VIRGIL B. WEBB, K. WRIGHT,
B. BUNKE, and KATHY WOLFE,

Defendants.

**ORDER CONSTRUING LETTER AS MOTION TO WAIVE FILING FEE AND
DENYING MOTION TO WAIVE FILING FEE**

The plaintiff, Lemont Hopkins, currently incarcerated at the Michigan Reformatory in Ionia, Michigan, filed a *pro se* action for violations of his civil rights under 42 U.S.C. § 1983. The Court granted the plaintiff leave to proceed *in forma pauperis* pursuant to 28 U.S.C. § 1915. In substance, the plaintiff wished to challenge the terms of his sentence, arguing that his minimum sentence was increased improperly due to a parole violation. After careful consideration of the petitioner's claims, the Court dismissed the complaint under 28 U.S.C. § 1915(e)(2) as failing to state a claim upon which relief may be granted because habeas corpus provided the only avenue of relief. The Court declined to construe the complaint as a habeas corpus petition because the petitioner did not allege that his claims were exhausted and because the petitioner might have wanted to assert additional or different claims. Presently, the matter is before the Court because the plaintiff wrote the Court asking to suspend all further withdrawals from his inmate account. The Court will construe the plaintiff's letter as a motion to waive the filing fee.

The plaintiff asserts that he should not be required to pay the full filing fee because his case was dismissed summarily just days after he was granted leave to proceed *in forma pauperis*. The

petitioner's request must be denied. The plaintiff was assessed the filing fee in accordance with the Prison Litigation Reform Act, *see* 28 U.S.C. § 1915(b), and the requirement to pay the filing fee is not waived simply because the suit was meritless.

Accordingly, it is **ORDERED** that the petitioner's request to suspend further withdrawals from his inmate account [dkt. #7], which the Court construed as a motion to waive the filing fee, is **DENIED**.

s/David M. Lawson
DAVID M. LAWSON
United States District Judge

Dated: June 12, 2012

PROOF OF SERVICE

The undersigned certifies that a copy of the foregoing order was served upon each attorney or party of record herein by electronic means or first class U.S. mail on June 12, 2012.

s/Deborah R. Tofil
DEBORAH R. TOFIL